THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.6714 of 2007

Between:

Navsherwan Mirza and another.

..

PETITIONERS

and

The Chief Commissioner of Land Administration,
and others.

..

RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

This writ petition has been filed seeking a Writ of Mandamus for declaring the action of the 2nd respondent in taking possession of the property belonging to the petitioners, pursuant to the notice issued by the 2nd respondent, vide Lr.No.J1/5481/, 5489, 5490, 5491/76, dated 06-03-2007, as illegal and arbitrary.

It is stated that aggrieved by the order of the 2nd respondent, dated 10-11-2006, one Mr.Surendernath Singh and twenty others filed an appeal under Section 33 of U.L.C. Act, 1976, before the 1st respondent. The 1st respondent through order, dated 12-01-2007, in U.L.C.Appeal No.156 of 2006, ordered to maintain status quo as on that day upto 15-02-2007, subject to the condition that the appellants shall not create any change or alter the nature or raise any structures, on the subject land.

It is stated that the petitioners herein also filed an appeal under Section 33 of U.L.C. Act, 1976, against the said order of the 2nd respondent, dated 10-11-2006. The 1st respondent through order, dated 15-03-2007, in CCLA's Ref.No.Hyd/162/2006, extended the stay, which was granted upto 15-02-2007, till disposal of the appeal subject to the conditions that the petitioners herein shall not transfer or create any change or alter the nature or raise any structures, on the subject land.

It is stated that though the 1st respondent passed order, dated 15-03-2007, extending the stay, which was granted upto 15-02-2007, till disposal of the appeal and the same is still subsisting, the 2nd respondent issued notice, dated 06-03-2007, directing the petitioners to surrender possession of the land in question.

Questioning the said order of the 2nd respondent, dated 06-03-2007, this writ petition has been filed.

The learned Government Pleader submits that by mistake the 2nd

respondent issued notice dated 06-03-2007, as the stay order passed by the 1st respondent, dated 15-03-2007, was received by the 2nd respondent only on 26-03-2007. It is further stated that as the stay order has been received by the 2nd respondent, he is not taking any action to dispossess the petitioners from the land in question.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 2nd respondent to implement the order of the 1st respondent, dated 15-03-2007, in CCCLA's Ref.No.Hyd/162/2006, in accordance with law. There shall be no order as to costs.

_____

05-04-2007

Prv